

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
Norfolk Division



NATIONWIDE MUTUAL INSURANCE COMPANY,

Plaintiff,

v.

Case No. 2:10cv310

1400 HAMPTON BLVD., LLC, et al.,

Defendants.

DOUGLAS SHEPHERD, et al.,

Plaintiffs,

v.

Case No. 2:10cv343

NATIONWIDE MUTUAL INSURANCE COMPANY, et al.,

Defendants.

ORDER

This matter comes before the court on the following motions: Motion to Remand, filed by plaintiffs, 1400 Hampton Blvd., LLC, Douglas Shepherd, and Alan G. and Delores N. Bartel, L.P., (Case No. 2:10cv343, ECF No. 17) on August 11, 2010; and Motion to Dismiss, filed by defendants, 1400 Hampton Blvd, LLC, Douglas Shepherd, and Alan G. and Delores N. Bartel, LP, (Case No. 2:10cv310, ECF No. 5) on July 15, 2010. These matters were referred to a United States Magistrate Judge by orders of August 23, 2010 (Case No. 2:10cv310, ECF No. 28); and October 13, 2010

(Case No. 2:10cv343, ECF No. 37), pursuant to the provisions of 28 U.S.C. § 636(b)(1)(B) and (C) and Federal Rule of Civil Procedure 72(b), to conduct hearings, including evidentiary hearings, if necessary, and to submit to the undersigned proposed findings of fact, if applicable, and recommendations for the disposition of the motions.

The United States Magistrate Judge's Report and Recommendation was filed on December 2, 2010. The magistrate judge recommended that both the Motion to Remand and the Motion to Dismiss be denied.

By copy of the report and recommendation of the magistrate judge, the parties were advised of their right to file written objections thereto. The court has received no objections to the magistrate judge's report and recommendation, and the time for filing same has expired. The court does hereby adopt and approve in full the findings and recommendations set forth in the Report and Recommendation of the United States Magistrate Judge filed December 2, 2010. Accordingly, the plaintiffs' Motion to Remand (Case No. 2:10cv343, ECF No. 17) is DENIED, and, the defendants' Motion to Dismiss (Case No. 2:10cv310, ECF No. 5) is DENIED.

The Clerk shall forward a copy of this Order to all parties of record.

It is so ORDERED.

/s/ - RBS
Rebecca Beach Smith
United States District Judge

Dated: December 30, 2010